

CITY COUNCIL MINUTES
March 10, 2014

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, March 10, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

These minutes do not represent a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Friend: The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

Councilman McGinn will lead the Pledge of Allegiance this evening.

President Friend: Fellow Councilmen and those in the audience, welcome to the March 10th, 2014 meeting of the Common Council.

RECOGNITION OF SCHOOLS

Are there any students in the audience who would like to be recognized? Guess not.

TEEN ADVISORY COMMITTEE:

We don't have any Teen Advisory Committee either.

COUNCIL ATTORNEY

Tonight I regret that Mr. Danks is ill this evening so we are going barebones tonight without our counsel.

SERGEANT AT ARMS

The Sergeant at Arms is Officer Murray. Thanks for coming out tonight.

APPROVAL OF MINUTES

Okay, is there a motion to approve the February 24, 2014 minutes?

Councilwoman Mosby moved and Councilwoman Robinson seconded the motion to approve the minutes of the regular meetings of the Common Council held February 24, 2014 as written. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR MARCH 7th PACKET:

- *City Council Meeting Agenda for March 10, 2014
- *Committee Meeting Schedule for March 10, 2014
- *Resolution C-2014-8 (Docket)
- *Ordinances G-2014-3, F-2014-2, F-2014-3
- *Area Plan Commission Staff Field Reports dated January 30, 2014 and Meeting Minutes dated February 13, 2014
- *Evansville Redevelopment Commission Minutes dated February 19, 2014

EMAILED MATERIAL:

- * City Council Meeting Minutes for February 24, 2014
- * Information on Americans for Nonsmokers' Rights, Associate Director, Bronson Frick from Julie Phillips, Director of Smokefree Communities of Vanderburgh County

ON YOUR DESK THIS EVENING:

- * Extended Agenda
- * Ordinances R-2014-7, R-2014-8, R-2014-9
- * Replacement pages for the 2013 Investment Report distributed to Council January 27, 2014

President Friend: Is there a motion to receive, file, and make these reports and communications a part of the meeting?

Councilman O'Daniel moved and Councilman Adams seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

<u>ORDINANCE G-2014-3</u>	<u>PUBLIC WORKS</u>	<u>M'GINN</u>
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An Ordinance Amending Chapter 8.05 (Health and Sanitation) of the Evansville Municipal Code

<u>ORDINANCE F-2014-2</u>	<u>FINANCE</u>	<u>O'DANIEL</u>
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An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriations of Funds for Various City Funds

<u>ORDINANCE F-2014-3</u>	<u>FINANCE</u>	<u>O'DANIEL</u>
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An Ordinance of the Common Council of the City of Evansville Authorizing Additional Appropriations of Funds within a City Department

ORDINANCE R-2014-5**TO APC****C-4 & R-2 to M-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 311 N. Sixth Avenue and 313 N. Sixth Avenue

Petitioner: Hartford Bakery, Inc.

Owners: Same

Representative: Maria L. Bulkley, Esq.

District: Al Lindsey, Ward 6

ORDINANCE R-2014-6 AMENDED TO APC**C4 to C2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1824 Pollack Avenue, 1931 & 1937 S. Weinbach Avenue

Petitioner: Two Kins Investments, LLC

Owners: Same

Representative: Andy Easley Engineering, Inc.

District: Connie Robinson, Ward 4

President Friend: Is there a motion to adopt the Consent Agenda as written?

Councilman Lindsey moved and Councilwoman Mosby seconded the motion to adopt the Consent Agenda as written. Voice vote. So ordered.

CONSENT AGENDA**SECOND READING OF ZONING ORDINANCES****ORDINANCE R-2013-29****FROM APC****C-4 to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 618 & 620 N. Main Street

Petitioner: David Clark

Owners: Same

Representative: Casey Austin

District: Stephanie Brinkerhoff-Riley, Ward 3

This petition comes forward with a recommendation for approval from the Area Plan Commission, having nine (9) affirmative votes and one (1) abstention.

President Friend: Is Casey Austin in the audience?

David Clark: *(Off Mic)* Yeah, Casey works for me, prepared it, but I am here for myself.

President Friend: Well can you come up please?

David Clark: *(Off Mic)*

President Friend: Yeah.

David Clark: *(Off Mic)* I was hoping you would just say, "Yeah, okay. Good" and everybody just passed it.

President Friend: I have been trying to do that.

David Clark: That's how everything else was going. I thought...

President Friend: I've been trying to speed it up. I've been criticized too much. I gotta slow it down.

David Clark: You get to me and you gotta pick on me. Right, John? Appreciate that.

President Friend: Can you tell me what you got in mind here?

David Clark: Yeah, 618 and 620, essentially they are rental properties now. I bought 'em seven, eight years ago. I'm selling 'em to Jonathan Miller and Josh Deyoung and went to get financing and they said, "Hey, the zoning is not appropriate for the financing". So we had to take it, I think, from like a C-4 down to a C-2. Evidently, the way we've had it as rentals, even when I bought it, wasn't appropriate. So what we are trying to switch it to will make it appropriate for its current use. Only changes they're going to make is improvements to the property, cosmetics, landscaping around there. They've been to Jacobsville Neighborhood Association. They've been to a few of their meetings and trying to help them clean up the area cause Jonathan and Josh are buying a lot of properties down there and trying to clean up around there.

So they are going to continue using it as a rental property. The one, 620, is six units and the 618 is one unit. They're going to keep 'em just as they are but improve the property.

President Friend: Stephanie, this is in your ward. Have you had anybody contact you about this?

Councilwoman Brinkerhoff-Riley: I have not. I don't have any objections to this and it is, you know, it's existing use. It's a downzoning. I don't know Mr. Miller or Mr. Deyoung.

David Clark: You've actually met 'em at some of the fundraisers. I know you...

Councilwoman Brinkerhoff-Riley: Probably I know first name then. Yeah.

David Clark: Yeah.

Councilwoman Brinkerhoff-Riley: I just didn't know their last names.

David Clark: You'd know 'em. *(Inaudible)* their face. They're in another meeting right now but you've seen their faces, yeah.

Councilwoman Brinkerhoff-Riley: No, I think that...and frankly, that zone of North Main...I mean everything basically that's in this...the field report is accurate. I mean it's a mixed area. It's right. It's currently in use that way. It's a downzoning, you know. And it's frankly, I guess, with a commitment for an investment, it sounds like a great thing.

Councilman Adams: John, I was the one in abstention at Area Plan and the reason I was, was a...sort of the thing to do, but there was some question about somebody that complained next door about...

David Clark: Yeah, there was a guy across the street...

Councilman Adams: Across the street.

David Clark: Across the street and he a...

Councilman Adams: That's effective.

David Clark: Yeah. He's never contacted us personally and we've never heard anything but he stated that some of the tenants have yelled vulgarities at him before but he never called us and when it is for rent, we do have a "For Rent" sign with a phone number in the yard and he certainly has never called our number and said, "Hey, a tenant has yelled vulgarities". And I don't even remember this guy's name but after which somebody said, "Oh, that guy", and they started laughing and they said, "He's kind of the guy in the neighborhood that makes this stuff up". So I don't know if he said something to somebody and they said something back in vulgarity but that's really all he stated is that a tenant in the building yelled something at him and he didn't like it so...

Councilman Adams: I was trying to see whether there was going to be remonstrance *(Inaudible)*...

President Friend: I understand. Thanks Doc. Is there anybody in the audience that has anything against this particular ordinance? Do you have any other questions? Anybody else from Council? With that...

Councilman Adams: Then I'd like to make a motion to pass this.

President Friend: Yeah, great. Thanks Doc.

Councilman Weaver: Second.

President Friend: A motion made by Dr. Adams and I have a second?

Councilman Weaver: Second.

President Friend: Oh, thanks Jonathan.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Councilman Weaver: Whatever works.

President Friend: We got a second by Councilman Weaver. Ayes? Nays? *(Unanimous Ayes)*
Thank you. It goes forth.

David Clark: Thanks guys. Appreciate it.

President Friend: Thanks so much.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-29

APC

C-4 to C-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 618 & 620 N. Main St.

Petitioner: David Clark

President Friend: Is Mr. Clark in the audience?

Councilman O'Daniel: We just did it.

President Friend: Oh that...it...just did it. I'm kind of learning here as we go here.

Okay, do I have a motion to adopt Ordinance R-2013-29?

Councilman Adams moved and Councilwoman Mosby seconded the motion to adopt Ordinance R-2013-29. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: There being nine (9) Ayes and zero (0) Nays, Ordinance R-2013-29 is hereby declared adopted.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2014-6 **FINANCE** **O'DANIEL**

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for Property Tax Phase-In for the Acquisition and Installation of New Manufacturing Equipment Berry Plastics Corporation (and its subsidiaries) (101 Oakley Street, Evansville, Indiana 47710)

RESOLUTION C-2014-7 **FINANCE** **O'DANIEL**

A Resolution of the Common Council of the City of Evansville In Support of Economic Development Incentives Offered to Berry Plastics, Corporation (and its subsidiaries) by the City of Evansville to Expand Operations in the Facility at 101 Oakley Street, Evansville, Indiana 47710

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Yes, Mr. President, your Finance Committee met this evening to hear Resolutions C-2014-6 and C-2014-7 and both come forward with a do-pass recommendation.

President Friend: Is there a motion to adopt the Committee Reports and move the resolutions to third reading?

I had a motion by Councilwoman Robinson and seconded by Councilwoman Mosby. Ayes? Nays? (*Unanimous Ayes*) Moves forth to the Third Reading.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2014-6 **FINANCE** **O'DANIEL**

A Resolution of the Common Council of the City of Evansville Confirming the Declaration of an Economic Revitalization Area for Property Tax Phase-In for the Acquisition and Installation of New Manufacturing Equipment Berry Plastics Corporation (and its subsidiaries) (101 Oakley Street, Evansville, Indiana 47710)

President Friend: Is there a motion to adopt Resolution C-2014-6?

Councilman O'Daniel moved and Councilman Adams seconded the motion to adopt Resolution C-2014-6. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

There being nine (9) Ayes and zero (0) Nays, Resolution C-2014-6 is hereby declared adopted.

REGULAR AGENDA**THIRD READING OF ORDINANCES AND RESOLUTIONS****RESOLUTION C-2014-7****FINANCE****O'DANIEL**

A Resolution of the Common Council of the City of Evansville In Support of Economic Development Incentives Offered to Berry Plastics Corporation (and its subsidiaries) by the City of Evansville to Expand Operations in the Facility at 101 Oakley Street, Evansville, Indiana 47710

President Friend: Is there a motion to adopt Resolution C-2014-7?

Motion made by Councilwoman Mosby and seconded by Councilman O'Daniel to adopt Resolution C-2014-7. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: There being nine (9) Ayes and zero (0) Nays, Resolution C-2014-7 is hereby declared adopted.

RESOLUTION DOCKET**RESOLUTION C-2014-8 (DOCKET) A.S.D.****ADAMS**

A Resolution of the Common Council of the City of Evansville, Indiana Approving an Amendment to Interlocal Agreement ("Inter-Local Agreement") with City of Evansville Concerning the Area Planning Department

President Friend: Yes. We have some discussion I guess...yes.

Rhett Gonterman: Good afternoon ladies and gentlemen, Rhett Gonterman with the City legal department.

Here the resolution before Council is simply to alter the way the funding mechanism of the Area Plan Commission, how they receive funds, how those funds are dispersed. The inter-local agreement between the City and the County, basically acts as a change, again, to the way the payments come into the Area Plan Commission, as the County currently does not have the City's availability to accept payments on-line through the MUNIS accounting system. The City

has that function; the County does not. So the fund, the inter-local agreement, will basically act as a mechanism by which the public can pay, on-line, funds to the Area Plan Commission directly and then it's a cost...a checks and balances if you will, relative to the rest of the inter-local.

Councilman O'Daniel: What is the current split on the inter-local?

Rhett Gonterman: It's...

Councilman O'Daniel: Is this changing it, 85/15?

Rhett Gonterman: The split will remain exactly the same; there'll be no change. It's just a mechanism of how the money is changed hands but there will be no change in terms of the 85/15 split.

Councilman O'Daniel: And is the County paying for any of the costs in creating this on-line accounting...

Rhett Gonterman: No, they are not.

Councilman O'Daniel: *(Inaudible)* system?

Rhett Gonterman: Everything relative to the funding will remain the same: 85/15.

Councilman O'Daniel: Okay, well...okay. Now since the County is benefiting from that, shouldn't they have contributed to some of the computer software or the integration of that?

Rhett Gonterman: My understanding is it's a win/win for both the City and the County, by which more folks will be able to pay on-line. Creating an easier access will make it easier to streamline the process for everybody because it'll be able to be done on-line.

Councilman O'Daniel: How much did it cost the City?

Rhett Gonterman: I can report back with that exact number but I don't have it *(Inaudible)*...

Councilman O'Daniel: Because I'm thinking I understand the ease of that but if 85% is basically going to the County per the inter-local agreement and we funded all the costs of creating this template, or portal, by which people can pay on line, that we've done the County a big favor and have not been re...have not received any benefit from that.

Rhett Gonterman: The portal, I can report that the portal has already been created. It's been created for some time, relative to the MUNIS accounting system that's already in place so relative to adding on just an additional function for the Area Plan Commission is very nominal.

President Friend: Do we have any other questions from Councilmembers? Anybody in the audience?

Councilman O'Daniel: Russ, does this create any additional work for your office?

City Controller Lloyd: The...we would...all the funds are collected down...it would be collected in Area Plan and we would have to send remittance down to the County. So I mean we'd have to send 'em a check or credit them, credit their account.

Councilman O'Daniel: I mean it does take some time though, right?

City Controller Lloyd: I mean it would take the time to kind of tabulate it, although we've got, you know, there's what...like six or seven joint departments where we do that same thing.

Councilman O'Daniel: Do we get compensated in any way from...in those joint departments or are those...somehow the costs kind of spread over those departments?

City Controller Lloyd: The joint agreements just call for remittances based on that percentage so I mean there's no...we don't charge any fee for collecting the data and they don't charge us any fee.

President Friend: Any other questions? Anybody in the audience has a comment about this? For or against this?

Well, with that I entertain a motion to adopt Resolution C-2014-8.

Councilwoman Mosby moved and Councilman McGinn seconded the motion to adopt Resolution C-2014-8. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

There being nine (9) Ayes and zero (0) Nays, Resolution C-2014-8 is hereby declared adopted.

Thank you for coming out.

Rhett Gonterman: Thank you Council.

MISCELLANEOUS BUSINESS

There will be no meetings of the Common Council on March 17, 2014 and March 24, 2014. The next meeting of the Common Council will be Monday, March 31, 2014 at 5:30 p.m. Committee meetings will begin at 5:15 p.m.

Councilwoman Brinkerhoff-Riley: Mr. President, could I do just a brief point?

President Friend: Sure. Yeah.

Councilwoman Brinkerhoff-Riley: And it's just a housekeeping point. I didn't realize when Mr. Clark was at the podium, and I'm sorry that he left. He made a mention of a fundraiser. I just want to clarify, that would not be my personal fundraiser. I've never received a campaign contribution from Dave Clark or either of the two individuals, Jonathan Miller or Joshua Deyoung. Just as a point of clarification.

President Friend: Thank you Stephanie.

Before I begin I think Missy, I had...you was going to...well first of all, you were going to talk about...there was a change in this comp-time. You...as a liaison, you were going to give us a short report on this.

Councilwoman Mosby: Yes. There had been a memo and I forgot to bring that with me. I apologize. There was a memo from Chief Billy Bolin and it was sent out to all of the Evansville Police Department basically stating that the comp-time would not be paid out this year. What that meant is at the end of the year they had asked if in their comp bank, if anyone wanted to have some of their comp-time bought from the City, and they would actually get paid for that and some people did sign up for that. I believe the president of the FOP, Larry Nelson, is here and here too and he can correct me if I get this wrong. So some people did sign up for that to get paid for that comp-time that was in their bank. Unfortunately, there must have been a shortfall or a shortage in what came in on property taxes and it's my understanding it was in the amount of almost a million dollars of a shortfall so the department heads had been asked to do some cut-backs to see what they could do to actually come up with some of this funding so that, you know, we were in a shortage amount so Chief Bolin met with President Nelson and went over some different ideas and what happened was the people that had signed up to get the comp time purchased out of their bank, they're not going to allow that for this year due to the fact of the shortfall of the property taxes. So it was an actual cut that City Council did in the budget. Unfortunately, we just had a shortfall on property taxes.

President Friend: Okay, thanks. Thanks Missy.

Councilwoman Mosby: Did I get that correct, President Nelson?

FOP President Nelson: *(Off Mic)* Yeah, basically.

Councilwoman Mosby: Okay.

President Friend: Great. Thanks for the report.

Councilwoman Mosby: Do you have a question?

Councilman Adams: Yeah. Let me ask a dumb question. We have a shortfall in taxes so somehow the police get assigned that shortfall?

Councilwoman Mosby: There were, I think, several other departments...

Councilman Adams: Oh, okay.

Councilwoman Mosby:...that also, and I'm sorry. I should have clarified that...

Councilman Adams: Yeah, okay. All right. I...

Councilwoman Mosby: Yeah and a couple of different options...

Councilman Adams: I didn't want...I just...I didn't want them to get picked out as the...

Councilwoman Mosby: Oh, I understand.

Councilman O'Daniel: Larry...

Councilman Adams:...the fuzzy end of a lollipop.

Councilwoman Brinkerhoff-Riley: The EPD came up with about \$400,000. They were asked to find \$400,000.

Councilman O'Daniel: I was going to ask Larry...is...does the contract provide for a mechanism by which to do that and does the membership have to agree to that or is that a...

FOP President Nelson: No, it's in the contract. Actually, if you don't mind if I read this....of course I can't see it.

Section C: Determining Paid Overtime or Compensatory Time. Number three (3) in that section under the FOP/City contract is "The City will devise an equitable method for buying back existing compensatory time balances for individual officers. The decision to sell

compensatory time shall be made by the individual officer and all time bought is dependent upon funding made available by the City."

Now the compensatory time was in the budget to be paid for this year. Of course, if they have a shortfall they have a shortfall. I know under Mayor Weinzapfel we had the same problem, same issue. Had a shortfall and each department had to give up so much money. I wasn't aware the shortfall was just a million dollars. Is that all it is?

Councilwoman Mosby: From talking with different department heads and the Mayors' office, that's what I thought. They had said, "I will double check on that", but that's what I understood it to be.

F.O.P. President Nelson: And also, to be clear on record, I did not speak for the FOP when I spoke to the Chief. I was speaking as an individual. The FOP, if this shortfall is one million dollars and the EPD and FOP are sucking up \$400,000 of that, seems like a lot to me when you spread it over city departments so I'm not sure...

Councilwoman Mosby: I stand corrected. It was two million.

Speaking Simultaneously

F.O.P. President Nelson:...how much everybody is putting in. I'm sorry?

Councilwoman Mosby: Was it two million? Okay. I apologize. I didn't count right.

F.O.P. President Nelson: Okay. Two million makes a little more sense.

Councilman O'Daniel: Well and my concern is this is that all we are doing is kicking the can another year alright, so next year somebody is going to say, "Well, I want to buy my comp-time out", you know, and then we'll have two years of comp-time that want to be bought and what if we have...what if we have a two million-dollar shortfall again next year? Because the salaries keep going up and you buy it out at your current salary, right?

F.O.P. President Nelson: The compensatory time is...the way its set up is officers are allowed to gain up to 200 hours so if an officer has...within the last year he gained 50 hours, at the end of the year the City asks, "Do you want to sell any of that?", so he's only got 50 hours in the bank, or he has only got one hour in his bank, he can opt to be paid that year for that 50 or that one. Anything over that 200 during the year comes out of a different bank and if they go over 200 they either have to be given time off at their discretion, the officers' discretion, or they have to be paid-out within that month for the hours over the 200 so the...

Councilman O'Daniel: I guess my point is this and this (*Inaudible*) apply to the police but probably to fire as well since those are the two largest employee entities but that there is no cost cutting, there's no mechanism by which to keep the current account in balance, right, or to

reduce what we're currently spending. It's just...we're just saying, "Alright, we're not going to payout what we already owe; this outstanding debt to the tune of \$400,000 for the police".

F.O.P. President Nelson: There's 200 and maybe 86 or 88 officers right now. None of 'em put in for...they don't put in for any of this.

Councilman O'Daniel: Right.

F.O.P. President Nelson: You don't payout anything so this probably affects I would guess somewhere around a third of the department. The amount of hours they sell would depend upon the officer's discretion. Anything over that, the mechanism to keep that under control is the 200-hour mark. Anything over that 200 hours has to be paid out. The Fire Department is set at 450 so...

President Friend: So Larry, if...can a police officer, and I'm working overtime, I mean I've got comp-time, don't I have the option to take it overtime...take it as pay at that moment?

F.O.P. President Nelson: Yes.

President Friend: I do. I mean, that's the option.

F.O.P. President Nelson: You could take overtime, time and a half, or you could take *(Inaudible)* in comp.

President Friend: So I could actually say myself as a law officer to say well I don't want to bank it. I want that money now because I'm worried about maybe having another shortfall next year and I want to get it now so that could really affect their overtime budget we have established. Would...I'm just asking.

F.O.P. President Nelson: The overtime budget is separate.

President Friend: Oh, I understand it's separate but I mean it would go out, you know, I mean it'd go out a different fund. I just say I want to get paid now; I don't want to bank it.

F.O.P. President Nelson: I think the difference between the Police Department and the Fire Department is the Fire Department doesn't really budget their overtime where we budget our overtime.

President Friend: Okay.

F.O.P. President Nelson: That money's in there. There are some other options available. One was to lose overtime. I don't think anybody wants to lose overtime on the Police Department.

President Friend: Oh, no.

F.O.P. President Nelson: One was to stop all training. Training is a very valuable resource for us. I mean in order to keep our accreditation, we need our officers trained. So there were other options given, some better, some worse. So obviously, this is something we don't want. We don't want this to happen every year.

President Friend: Sure.

F.O.P. President Nelson: Like I said, I think Mayor Weinzapfel did it once or twice.

President Friend: Yeah.

F.O.P. President Nelson: And this is the first time for Mayor Winnecke.

President Friend: Makes sense. *(Inaudible)* for you Russ. Do we...do we have any idea, I mean was it just a miss in the revenues? I mean do you have any...shed any light on what happened to that two million? This obviously doesn't go to you Larry but it's a...

City Controller Lloyd: This was the...Russ Lloyd, City Controller...this was the second installment of the property taxes that came in in late December and it was approximately...a little bit less than two million short of what we had anticipated.

President Friend: Do we see that in June? Do we think that's going to happen in June again?

City Controller Lloyd: No, we don't see it in June.

President Friend: I mean...

Councilman O'Daniel: Are these late receipts though? Are these just late receipts that people didn't have the money to pay or is this *(Inaudible)*...

City Controller Lloyd: No, it's remittance we received from the County, and in fact the County's general fund property taxes went up about 1½% and we had anticipated ours going up and it actually went south.

Councilman O'Daniel: So when we come around to June and we get the second installment, or the next installment, are we going to be another two million shy?

City Controller Lloyd: Well, according to the County Assessor, Bill Fluty, part of this was that our tax caps jumped by a pretty good amount last year from like four and a half million to

about almost nine. He indicated that the caps weren't going to move that much this year so we feel like we're going to be in better shape.

It was a little bit difficult to forecast over the last several years because of the annexation so our property taxes did jump up by, you know, three, four percent each year, but then this year they went flat and actually declined slightly.

President Friend: Do you see maybe delaying any major projects coming out of the Riverboat money until after June until we find out what those balances going to look like? I'm just saying as a precautionary kind...

City Controller Lloyd: I mean we've been having conversation at the Mayors' office and I know that's where these conversations with the police chief and other department heads came from so they'll be future things being brought to Council, in fact, probably your next meeting.

Councilman O'Daniel: Russ, what other savings were out there? Were the Fire Department...were they asked to equally look for cuts?

City Controller Lloyd: Yes, as well as METS, a lot of the General Fund departments also. I think some funding in LIT. There were also some revenues that were adjusted upward based on what we saw. They were...some of them were undershot but the total is about 1.7 million.

Councilman O'Daniel: 1.7?

City Controller Lloyd: Yeah.

Councilman O'Daniel: And about 4½; \$450,000 was police?

City Controller Lloyd: Four hundred for police.

Councilman O'Daniel: How much was for fire?

City Controller Lloyd: I don't have that with me but it was at least \$200,000, maybe more.

Councilman O'Daniel: And METS? You said that was the three big ones.

Speaking Simultaneously

City Controller Lloyd: *(Inaudible)* than that, yeah.

Councilman O'Daniel: Okay.

City Controller Lloyd: More to come on that.

President Friend: Thanks Russ. Larry, thanks for coming out.

Councilwoman Mosby: Thank you Larry. I do want to clarify too that the officers, they're not losing that. That just continues to remain in the bank.

President Friend: Oh yeah. No, they're not losing *(Inaudible)*

Councilwoman Mosby: I just...for people...

President Friend: Oh yeah.

Councilwoman Mosby: They might have that question, so...

Councilman Adams: But when they retire, do they...do they just retire early or do they get the money? Or they have an option?

Councilwoman Brinkerhoff-Riley: They have the choice. They can take the time or the money, right?

F.O.P. President Nelson: When they retire, they have the option. It's up to them to be paid out or...

Councilman Adams: Leave six months early.

F.O.P. President Nelson:...run their time. Most of 'em run their time.

Councilman O'Daniel: *(Off Mic)* Six or one, half a dozen of the other, right?

Councilman Adams: Sure.

F.O.P. President Nelson: Well it is. Now there's some '93 bank people that have got a quite a bit of time but there wasn't any restrictions on 'em so that's a lot of money for them when that's cashed out.

Councilman Lindsey: Another point on this too is that these cop hours gain value every time they get a raise so if you don't sell 'em this year and then you sell 'em next year they're worth 2% more if they get their 2% raise so it's going to cost the City more so it's...there's a lot more to that.

F.O.P. President Nelson: Exactly.

Councilman Lindsey: And then we've still got unfunded liabilities.

Unidentified Speaker: Sure.

Councilman Lindsey: You know that's still money that's owed out, you know so...and I haven't gotten anything from the Fire Department as far as an email or anything stating that we...that people are turning in their comp hours for payment. We're going to get it so that may be in the works but I haven't received anything.

President Friend: Larry, thanks for coming out.

Councilwoman Mosby: Thank you Larry.

President Friend: Really appreciate it. Appreciate that. Thanks Missy, for the report. Thank you so much.

We got Reverend Brooks like to say some words about I guess Riverside Project.

Reverend Adrian Brooks: Good evening President, members of Council.

There was in the paper yesterday a poorly written article about one of our properties and I thought I would come in and clarify a few things and so I brought you a timeline as well as a recap of what's going on within our organization. The reason I came, I've learned to be proactive instead of being reactive and so I'm here to be proactive, to give you our timelines for the construction project that was mentioned in an article written by Tom Langhorne, whose calls I never return.

Councilman Adams: The intimidation was the building was so beat up it couldn't be saved.

Reverend Adrian Brooks: So in that, and I also had to clarify some things because in the article that was poorly written it also indicated that it was a 60% AMI and it's an 80% AMI project, which is allowed by the funding that we received, which was the HOME dollars so you have before you just a clarification. You are the body that allocated the resources and so therefore I thought I would come to you because trying to explain it to someone who doesn't understand the process never accomplishes anything. So I don't know why Jack Pate and the editor would not have John Martin call me, because that's somebody I would return their call.

But at any rate, you will notice that we have not yet received the contract and so you made the allocation, we haven't received the contract so therefore, we have not received the funding and we're supposed to receive the contracts this week. I'm glad Brother John Martin is here to hear me so that I'm sure he understands because he's smart like that.

And so once we receive the contracts we will sign those contracts and at that point it becomes a reimbursable situation for those allocated dollars that you allocated to us for this particular project.

So this was simply my coming to you, just trying to be proactive and clarify some of the misstatements that were made yesterday. If you have any questions for us, we would love to respond to those and I also just gave you this. It is just a recap report from last year and it talks about some 2014 new initiatives that we are looking forward to accomplishing in the year to come.

Councilman O'Daniel: One of the things...I think Kelley had mentioned it the last time we were here is this was considered a shovel-ready project...

Reverend Adrian Brooks: Yes sir.

Councilman O'Daniel:...that had to be used. I guess there's a difference in what I consider shovel-ready and what you all consider shovel-ready. You are ready to go with it; you just have to be awarded the contract. The funding has to be in place.

Reverend Adrian Brooks: Yes.

Councilman O'Daniel: Is that how I understand it?

Reverend Adrian Brooks: Yeah. To us, shovel-ready means that once the funds are allocated we have site-control. Normally we have at least some assessments and evaluations that have already been done as it relates to the environmental status of the property as well. Now, it still has to be, you know, remediated if you find some issues but when we say shovel-ready I think site control is one of the major points in it to determine whether a project is shovel-ready or not.

Councilman O'Daniel: And that's something that either through your corporation work with DMD and they determine sort of a priority list of what's ready to go and where the money should be allocated, so that's an administrative administration and DMD determined, largely?

Reverend Adrian Brooks: Yes sir but when it comes to...the way the article was printed yesterday it was as if we had this \$225,000 already at our disposal and ready to go and that is not so, and so I want to be clear with City Council since you make the allocations that we're not sitting around with \$225,000 in the bank and property continues to go in disrepair. That's why I'm here.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Kelley Coures of DMD: *(Off Mic)* The dollars that are allocated are 2014 dollars. The dollars Pastor Brooks is talking about, he couldn't have yet because the City of Evansville doesn't have 'em yet. *(On Mic)* We allocated \$100,000 of 2014 dollars in September and then when replaced the 175 that had been done in 2013 dollars, you replaced with 125 of 2014 dollars so the \$225,000 we don't have yet cause we don't have our HUD agreement yet. So as soon as we have it we'll have to get our contracts in place. Next...you approved the First Reading tonight of the \$8,000 that we need for the environmental assessment. Once that's in place, once we get our HUD agreement, then we can allocate the funds to the project. We can spend...we can expend the funds, not allocate the funds. You've already allocated it. We can expend the funds but they don't have \$225,000 sitting in the bank because we don't have it yet.

Does that help?

Councilwoman Brinkerhoff-Riley: But...yeah, and can I...but you, obviously, and there's two points I think I'd like to make. One is that you are prepared in the sense that you've been out there and one of the reasons that 225 is coming is because that's what you think you can rehab the property for, presumably.

Reverend Adrian Brooks: That along with the fact that we have a history of completing projects.

Councilwoman Brinkerhoff-Riley: That's my second point was that you...

Reverend Adrian Brooks: We have always completed our projects so we did not know what the ultimate motive of one of our media outlets was in trying to call us out but it is okay. We're big boys. We can deal with that. The Bible says, "Let us not grow weary in well-doing for we shall reap if we faint not", and so we're not fainting. We're going to keep on doing the good work that God has called us to do but for some reason...

Councilwoman Brinkerhoff-Riley: No, and I appreciate it but just for the public record and because you...I just wanted to clarify and give you that opportunity. Yes you do. You have a history of completing projects, and of course, we don't pick a number of \$225,000 in a vacuum. I read the article in part to kind of say there was nothing that could salvage it but I believe, I have faith that when you've allotted those funds, allocated them, and that you've accepted the project that you can get it done for that and that you'll get it done on time so I appreciate your help.

Reverend Adrian Brooks: Yes ma'am. And we've already started the work on the other project that you have allocated resources over on Covert and so I don't think that was mentioned in the poorly written article either.

Kelley Coures of DMD: Just for clarification, I told Tom Langhorne that these projects were hand-in-hand and we had no issue with Memorial's capacity, that we verify the capacity on every Community Housing Development Organization. Every year we have to recertify them as a CHDO and as a CBDO to do these projects so we had no issue with their capacity. It's just on Riverside, the money isn't here yet so that they can't start until the money is here. Covert Commons, that money was prior-year money, that \$175,000 which he...which at Memorial, I don't mean he, which Memorial partnered with the Federal Home Loan Bank in Louisville for another \$320,000 to complete that project so not only is the \$225,000 2014 dollars but Memorials' leveraged our \$175,000 with another \$320,000, which almost makes up the City's total match for HOME dollars for 2014.

Councilwoman Robinson: I would like to say that property has been sitting there for years, abandoned. Homeless people were living in it. Trash and debris. No one had tried to do anything to that property until Memorial stepped forward and now you get this article written in the paper and to me, they've saved this property because there is a need for it. But why didn't Tom write an article about it when it was abandoned and people were living there and trash was all out front, which Riverside is a main thoroughfare and no one cared anything about that property. I don't know if Code Enforcement didn't write it up. It should have been written up because it's been abandoned for years.

Kelley Coures of DMD: Well I told Mr. Langhorne that the neighbors around there are going to be very, very happy when that property is contributing to the neighborhood again and it's going to be really nice when it's done. I've sent you all pictures I think of both Covert Commons and Riverside Drive because we're excited to have 18 new units of affordable housing that will come on-line in 2014. We're very happy about that and it's exactly what HUD wants us to do. That's why they send us the HOME dollars in the first place is to create affordable housing. There isn't anything else you can do with it. There's nothing else you can do with money except create affordable housing.

Reverend Adrian Brooks: That's all. It's "bricks & sticks" money. There's nothing else you can do with it.

Kelley Coures of DMD: That's right.

Councilman Adams: Reverend, I had the same impression my colleague did that from the newspaper article that the intimation was that this was so far gone that this money was going to be wasted trying to resurrect this building. I know it's the Easter period but is there a possibility that this building can be made whole and functional?

Reverend Adrian Brooks: Thank you Dr. Adams for appealing to my spiritual side because I was ticked by that article. But any rate, yes it can be resurrected. We've done the assessments of the property. You know, there is a history...we have a history of not just growing so

romantically attached to properties that we fail to see...do feasibility studies to make sure that these properties will be rehabbed and that they don't fail. We do that when we do the construction and we do that when we are screening the people who will live in these properties. That's why we've never had some of the problems because we've, 1) tried to put on the market a very quality project and 2) we've tried to also have quality people living in these projects and so whenever there seems to be an attack on the work that we are trying to do, yes I do grow a little sensitive to that because we don't have any other agenda other than to try and do our part in rebuilding the Center City. That's all we're trying to do. Nope, we're...you know, I'm not trying to go out and do subdivision work out by Crossroads. I'm just handling...I'm brightening the corner where I am. That's all I'm trying to do. We will save the project.

Councilman Adams: Thank you.

Reverend Adrian Brooks: I like the resurrection (*Inaudible*).

Kelley Coures of DMD: Are there any other questions about those projects? I mean the building is in good shape. The bones of the building are in really good shape and it's not that old. It was built in the 60s I think.

Reverend Adrian Brooks: Right.

Kelley Coures of DMD: So I mean that the bones of the building are good, the interior is in good...it just needs to be remodeled and rehabbed. New appliances, new energy efficiency. The environmental assessments are actually completed, they just have to be paid for and the environmental assessment on that building is actually better than I expected it to be. There is not going to be a lot of remediation to do.

Reverend Adrian Brooks: Right.

Kelley Coures of DMD: You can use interim things for the lead paint but I mean it's not that bad.

Councilwoman Brinkerhoff-Riley: I think it's a great project because the city is basically riddled with these small apartment units. I mean I've got them all through the Third Ward where it's six or eight or twelve apartments, typically two-story. Sometimes it's a "L" shape, sometimes it's just...you know and they are old and so we've got a bunch more that are on their last leg in the sense that they still have renters in them actively but there's electrical...I mean you know, there's more to come of this kind of project and so it's really important to see this one go through and how it works out because there's just...there's a ton more to do you know.

Reverend Adrian Brooks: Well keep in mind that we also help the City because of the AHP, which will be counted as the match, and I think you did mention that, so that the \$300,000 that we received through another source covers the allocation that the city received and it's HOME dollars almost totally because you need a 25% match on the dollars that come into the City and so I think we've helped the City.

Kelley Coures of DMD: You've exceeded that.

Reverend Adrian Brooks: So we've exceeded the match that was needed for the City so we can carry over into next year even on this match so we...so you're welcome. Thank you.

President Friend: *(Inaudible)* have any other questions? Thank you Reverend Brooks for coming out tonight.

Reverend Adrian Brooks: Thank you for your time...

President Friend: Any time.

Reverend Adrian Brooks:...and also thank you for your support and we thank you for your service to our city.

President Friend: Thank you. Thank you so much.

I have a request by I guess Connie. Is Connie...

Unidentified Speaker: *(Off Mic)* She stepped out for a minute.

President Friend: She stepped out? Okay, well let's do this, let's go in, while she's out, let's go to the Committee Reports. Finance...this would be the Finance Subcommittee.

COMMITTEE REPORTS:

FINANCE SUBCOMMITTEE:

Re: **Youth Sports Grant Meeting**
Date: March 17, 2014
Time: 4:00 p.m. to 5:00 p.m. **Room 301**
Notify: All Applicants

CHAIRMAN: AL LINDSEY

Members: **Dan Adams, John Friend,
Dan McGinn, Constance Robinson**

FINANCE SUBCOMMITTEE:

Re: **Youth Leadership Grant Meeting**
Date: March 31, 2014
Time: 4:00 p.m. to 5:00 p.m. **Room 307**
Notify: All Applicants

CHAIRMAN: JONATHAN WEAVER

Members: **Missy Mosby, Dan McGinn,
Stephanie Brinkerhoff-Riley and
Dan Adams**

FINANCE COMMITTEE:

Re: **Ordinance F-2014-2**
Date: March 31, 2014
Time: 5:15 p.m.
Notify: Russell Lloyd, Jr.

CHAIRMAN: CONOR O'DANIEL

Authorizing Transfers of Appropriations,
Additional Appropriations and Repeal and
Re-Appropriation of Funds for Various City
Funds

Re: **Ordinance F-2014-3**
Date: March 31, 2014
Time: 5:20 p.m.
Notify: Philip Hooper

Authorizing Additional Appropriations of
Funds within a City Department (DMD)

PUBLIC WORKS COMMITTEE:

Re: **Ordinance G-2014-3**
Date: March 31, 2014
Time: 5:25 p.m.
Notify: Osman Mufti

CHAIRMAN: AL LINDSEY

Amending Chapter 8.05 (Health & Sanitation)
of the Evansville Municipal Code

Councilman Lindsey: And also the Sports Grant meeting will be in this room here, Room 301.

President Friend: Okay, good deal.

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Friend: Oh yeah, thanks. Thanks for bringing that up. Appreciate that.

Yes, yes Ms. Whitman, do you have something you'd like to address us? Please give your address for the record.

Connie Whitman: I'm Connie Whitman, 1780 S. Norman here in Evansville and I spoke Saturday at the Meet Your Legislator session about the Business Tax Replacement. *(Off Mic)* Can I just give you one for the record? I only have...

President Friend: Sure.

Connie Whitman:...two of these and ten of this other one cause of the copy machine at the library *(Inaudible)* malfunctioning *(Inaudible)*.

President Friend: Yeah.

Connie Whitman: Brand new I guess \$5,000 copy machine in the library and it doesn't work right and then the employee couldn't get it to stop either so...new soap dispensers in the restroom too. Anyway, Saturday I got up to speak at the Meet your Legislators about the

Business Equipment Tax Replacement and Senator Becker said I should bring it up with ya'll. Well I had planned on doing that anyway on January 27 but it was very cold and I didn't come out so...

What I said to them was I was truly dismayed that a legislature in Evansville City Council as well that I have complimented so much and so frequently would put up a straw man as a diversion. I'm referring to the Business Equipment Tax and the \$159,000 Evansville/Vanderburgh County would lose if it's phased out or whatever other figure you decide will be lost. It seems like everyone is rushing to the defense of firefighters and the police and the teachers and I don't think anybody said anything about defunding them. To me that's a straw man. I just wonder why we don't spend less, as other letters to the editor of the paper suggested, and I said why don't you go after the six-figure and high five-figure city and county salaries, two thousand some people and mostly overpaid in my opinion, or go after the two million dollars the City Attorney's law firm billed Evansville last year. And they said why didn't I bring it...take it up with ya'll so...did somebody have a question? Anyway I had spoken to them cause there was an article in the paper about area lawmakers breaking ranks with their fellow republicans and voting against it.

But anyway, what I was gonna say to ya'll on the 27th anyway was about the Business Equipment Tax. A friend of mine retired from the Human Relations Commission, asked me to leave the 2000 plus city and county employees and their 90 million dollar payroll alone along with their 13 million dollars in health insurance benefits, their free clinic, and God knows what other perks because they're part of 99%, and with all due respect, I disagree. I think that's just too much money. If we cut the payroll by the seven million dollars we'll lose on the Business Equipment Tax, that's great. I think that'd be wonderful. I think we should do that. I don't think the mayor even should be making more than \$35,000. That would attract people to Evansville. Yeah! That would attract people to Evansville. If somebody hired me with the city and county...what'd you say?

Unidentified Speaker: *(Off Mic) (Inaudible)*

Connie Whitman: Well, I think that would attract people here. Anyway, I also wanted to talk about the signage ordinance. A nice barbeque place on south Weinbach, that I used to go to, folded last summer, or last fall, called Flames Grill and somehow the subject of business expenses came up while I was ordering there last summer and he told me the City charges \$50 a month for his sign out front. The newspaper said \$600 a year but he said \$50 a month is how he put it to me. That was the first I'd ever heard of it and that's how I heard of it first, and if you're late on the \$50, there is a \$500 fine for the first offence and \$1000 for the second. Well I was stunned. I thought he was making it up. He said, "No, that's the truth", and then the paper said the same and I said, "That's way over the 2% a month interest allowed by Indiana law".

It just seems like Evansville gets around things that...by calling it something else so I just think King George of England would have wished he'd thought of some of this stuff. I never heard of taxes on the furniture in your house and taxes on the computers on your desk and stuff like that til I moved to Evansville...til I moved to Indiana so... And it says in the paper also that Governor Pence might want to make up this money by raising property taxes. Well that's not fair, as I told the legislature Saturday. Our homes don't generate any income and I said, "Why can't you just spend less instead of letting all this money get wasted and then have people come us and say you're short for the schools? Why don't you just spend less?" And she said take it up with ya'll so that's what I'm doing.

President Friend: Well Connie, I appreciate you coming before us. I'm...I mean the...I know our mayor went up to testify, up at the State House, and I was up there as well...

Connie Whitman: I know.

President Friend:...and a...the...it's a subject that I guess they're going to have to...

Connie Whitman: What'd you say?

President Friend: This subject is obviously going to be brought up more than one time so... Anyway, we appreciate you coming in front of us.

Connie Whitman: I just hope ya'll do think about ways to cut. If somebody offered me \$90,000 for a city job, I wouldn't take it. I'd say, "No. It's not worth over 25". I wouldn't take it. I'm sure most people would but I wouldn't because it's a public service job. I'm not talking about people who are elected and everything; I'm talking about just 2000 people who are lucky enough to get a job with the city at \$70,000 a year. It takes me 10 years to make that. That's 10 x my income. I just don't think public employees should be making that kind of money. Not just, you know secretaries or whatever. I don't know what all these 2000 people do but I know that's a lot of money. Thank you.

President Friend: Thank you Connie.

Before we...I make a motion for adjournment then I want to let you know at the meeting Vectren wishes to come before us and give I guess what they want to do on the increase in the rates and I thought it was nice maybe to have 'em to come before us and give us their reasons.

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Friend: Gas rates, gas rates, *(Inaudible)* the gas rates. So they'll be here at the next Council meeting and I then would encourage anybody out in the audience to come.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Councilwoman Mosby: Yes, I had sent an email out to all Councilmembers regarding a visit to Berry Plastics. I've only heard back Councilman Adams, Councilman Weaver, and Councilman Friend so if you're wanting to...

Unidentified Speaker: *(Off Mic) (Inaudible)*

Councilwoman Mosby: April 8th.

President Friend: 8th.

Councilwoman Mosby: I'll resend it out and see. I know Councilman Friend, you're right. This is tax season so...

Speaking Simultaneously

President Friend: I said I'll try to make it. I'll try to make it but I can't promise.

Speaking Simultaneously

Councilwoman Mosby: But I will resend that out and see if anyone else is interested.

President Friend: Thank you.

Councilwoman Mosby: Thank you.

Councilwoman Robinson: *(Off Mic)* Do you know how long that tour will last?

Councilwoman Mosby: They've got it down for about two hours.

President Friend: Two hours?

Councilwoman Mosby: Uh hum.

President Friend: Good deal. All right.

Councilwoman Brinkerhoff-Riley: I have one more thing. It hasn't, *(Inaudible)* just to verify the date, it hasn't been announced yet but it looks like the IURC hearing is going to be April 17th and...

President Friend: Thought it was 20th. Then I guess it is 17th, isn't it?

Councilwoman Brinkerhoff-Riley: I think it's a Thursday. I got an email from Brad. I think there'll be a filing with the IURC and then a press release so the idea is Vectren will give their presentation here. We won't hear remonstrators because then...because there'll be a public

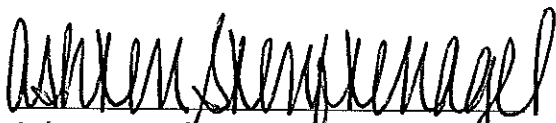
hearing that they can go to after they have all the information so it's really, I think, a great partnership to allow people to get all the information and then have a forum, locally, to talk about it.


ADJOURNMENT

President Friend: With that said, a motion to adjourn.

Councilwoman Mosby moved and seconded by Doc Adams, right? We're done.

Meeting adjourned at 6:25 p.m.


Ashten Stenftenagel, Deputy City Clerk


John Friend, President